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Ms. Marianne Milette
PCB Enforcement Coordinator
U.S. Environmental Protection Agency
1 Congress Street, Suite 1100 (SEP)
Boston, MA 02144-2023

February 7, 2008

Re: **Phase I PCB Cleanup and Disposal Approval Under 761.61(a)**
500 Flatbush Avenue, Hartford, Connecticut
Consent Agreement and Final Order TSCA-01-2006-0060

Dear Ms. Milette:

This letter is provided on behalf of Danny Corporation (DC) in regard to the Phase 1 Cleanup Plan Approval referenced above. This Approval pertains to cleaning of the concrete floor within the Aerospace Parts Security (APS) building. The Approval and enclosed conditions require that DC forward comments or agree to the Approval within 10 day from receipt. This letter describes DC's concerns with the Approval and respectfully requests that EPA modify the Approval based on the clarifications provided herein.

Reference to Self Implementing Approach

The cover letter accompanying the Approval conditions states that "DC has requested approval to decontaminate the concrete under the self-implementing cleanup and disposal option 40 CFR 761.61(a)". DC does not agree with this statement. DC and EPA representatives discussed this issue at the outset of the CAFO negotiation, and agreed that each step of the implementation process would be addressed as either a self-implementing or risk-based approval depending on the nature of the work. The Phase I assessment and Cleanup Plan were prepared in accordance with the Consent Agreement and Final Order (CAFO) entered into by DC and EPA, but in a manner we believe is consistent with a risk-based approach. It has been DC's understanding that they are operating under the risk-based approval procedures under 40 CFR 761.61(c). Item 25 of the CAFO requires DC to obtain written EPA acceptance of a Characterization Plan, the Characterization Report, and a Phase I Cleanup Plan prior to implementing the cleanup of the APS building. These requirements are consistent with those of the risk-based approval procedures. The only reference in the CAFO to the self-implementing procedures is in Item 25, which pertains to using the self-implementing provisions of 40 CFR 761(a)(4) as action levels for PCB cleanup activities.

This determination is important to DC, as we feel the self-implementing process constrains both EPA and DC to a number of associated provisions which we believe we can and should deviate from if they do not result in an unreasonable risk to human health or the environment. Our site

characterization approach, for example, deviates from the methods prescribed in the self-implementing disposal provisions, yet was deemed the appropriate approach by both DC and EPA.

PCB Waste Disposal

Under a risk-based clean up approach, EPA can approve alternate methods or procedures for PCB disposal if EPA finds that those methods or procedures will not pose unreasonable risk of injury to health or the environment. PCB concentrations detected in solid material (concrete flooring) has been characterized and found to exhibit low concentrations of PCBs marginally above the wipe sample standards (10 µg/100 cm^2) for high occupancy. We anticipate any PCB wastes removed during cleaning will similarly contain low concentrations of PCBs (well below 25 mg/kg), if any. DC disagrees with EPA's position that disposal of this material must be restricted to landfill facilities referenced by the self-implementing procedures under 761.61(a)(5)(v)(A).

Instead, DC proposes to contract with permitted disposal facilities for disposal of low-level (<25 parts per million [ppm]) PCB remediation waste generated during cleaning the APS Building flooring. Regional facilities such as United Industrial Services, Inc. in Meriden CT, Phoenix Soil LLC in Waterbury, CT and Environmental Soil Management Inc. (EMSI) in Loudon, NH are permitted by the respective states to accept PCB-contaminated materials. Phoenix and EMSI can accept solids containing <25 ppm total PCBs. The permits are based on the safe and lawful disposal of PCB-contaminated material without posing unreasonable risks to human health or the environment. Since the building cleaning is being performed under a risk-based disposal, EPA may approve disposal at these facilities. EPA has addressed issues of this type in a rule contained in the PCB Disposal Amendments. This rule, which EPA considered to be a major positive change in the PCB regulations, expands the options for off-site disposal of PCB remediation waste containing less than 50 ppm PCB to include disposal in State-approved facilities.

DC requests that EPA revise the PCB Cleanup and Disposal Approval to strike references to the self-implementing procedures and approve the disposal sites noted above.

Please contact me should you have questions comments, or require additional information pertaining to this matter.

Sincerely,

Weston Solutions, Inc.

John L. Meyer, LEP
Project Manager

cc: M. Suisman, Danny Corporation
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